

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested.

Currently, claims 1-5 and 7-30 remain pending in the present application. In the initial Office Action, claims 5, 6 and 10-19 were indicated as containing allowable subject matter. Claims 1, 10 and 18 have been amended to delete the phrase "well suited" as requested by the Examiner. Further, claim 9 has been amended to include proper antecedent basis.

In the Office Action, independent claim 1 was rejected under 35 USC § 102 or, in the alternative, under 35 USC § 103 in view of U.S. Patent No. 6,294,151 to Hayakawa. In response, claim 1 has been amended to delete the anti-caking agent but to include the limitations of allowable claim 6. Claim 1, as now amended, requires that the composition include urea in combination with an indicator that is configured to indicate the presence of ammonia created when the urea contacts urease. Hayakawa, on the other hand, fails to disclose or suggest the combination of urea with an indicator as now required in claim 1. As such, it is believed that claim 1 as now amended patentably defines over Hayakawa.

The Examiner's attention is also directed to new claim 21 which requires that the composition for detecting the presence of urease in a gastric material contain urea in combination with a bactericide. Since dependent claim 9 which is directed to the use of a bactericide was indicated as being allowable in the Office Action, it is believed that new claim 21 is also allowable.

The Examiner's attention is further directed to new independent claim 26 which is directed to a product for detecting the presence of urease in a gastric material. The product includes a container defining a well. Contained in the well in a finely powdered state is a composition comprising urea and an anti-caking agent. The urea and the anti-caking agent have a particle size of less than about 0.1 mm. It is believed that new claim 26 patentably defines over Hayakawa.

For instance, Hayakawa is directed to the formation of isotopic urea tablets. In this regard, Hayakawa teaches combining isotope-labeled urea with

other ingredients in forming a tablet that can be ingested. Once ingested, the breath of a patient is sampled and tested to determine the presence of *Helicobacter pylori* in the stomach of the patient. In forming the tablet, Hayakawa teaches the use of binders, coloring agents, sweetening agents and lubricants.

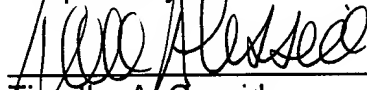
As opposed to independent claim 26, however, Hayakawa fails to disclose or suggest a composition in a finely powdered state that is contained in a well. In view of these differences, it is respectfully submitted that claim 26 also patentably defines over the cited reference.

In summary, Applicants submit that the claims are patentably distinct over the prior art of record. Thus, it is submitted that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Leary is invited and encouraged to telephone the undersigned at her convenience should any issues remain after consideration of the present response.

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Date

Respectfully submitted,



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